IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 939 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

BHANJIBHAI K RATHOD

Versus

DIST SPUERINTENDENT OF POLICE

Appearance:

1. Special Civil Application No. 939 of 1991

MR YS MANKAD for Petitioner No. 1

MR RC KODEKAR A.G.P. for Respondents No. 1-2

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 19/01/2002

ORAL JUDGEMENT

1. Learned counsel Mr.Mankad appearing for the petitioner fairly conceded that after admission and interim relief further proceedings of the disciplinary

proceedings initiated against the petitioner have been stayed and the matter not having come on board, the same could not be disposed of on merits during the pendency of over one decade. He further submitted that by now the pending Criminal case due to which further proceedings in the departmental enquiry were sought to be stayed are bound to have reached their logical conclusion and in any case, further stay of the departmental action only on the ground of prolong pendency of the criminal cases is not justified.

2. In such circumstances, the petitioner should face whichever departmental action is pending against him and the respondents should dispose such case in accordance with law as expeditiously as possible.

3. Accordingly, the petition is dismissed. Rule is discharged and interim relief is vacated with no order as to costs. While parting it must be noted that no affidavit-in-reply from any of the respondents is filed. In view of the prolonged pendency of these proceedings if there is material change in the circumstances and it becomes necessary for any reason for the petitioner to approach the Court, he shall have liberty to apply, as requested by Mr.Mankad.

(D.H. Waghela, J.)

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